STATUTORY INSTRUMENTS

# 1974 No. 1275

# CIVIL AVIATION

## The Air Navigation (Amendment) Order 1974

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| *Made* - - - | *25th July* 1974 |
| *Laid before Parliament* | *31st July* 1974 |
| *Coming into Operation* | *12th September* 1974 |

At the Court at Buckingham Palace, the 25th day of July 1974

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 8 and 57 of the Civil Aviation Act 1949(**a**) as amended by section 62(1) of the Civil Aviation Act 1971(**b**) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

*Citation and commencement*

**1.** This Order may by cited as the Air Navigation (Amendment) Order 1974 and shall come into operation on 12th September 1974.

*Interpretation*

**2.** The Interpretation Act 1889(**c**) shall apply for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

*Amendment of the Air Navigation Order* 1974

**3.**—(1) The following shall be inserted in the Air Navigation Order 1974(**d**) as Article 80A thereof:—

"*Mandatory reporting*

80A.—(1) Subject to the provisions of this Article, every person who—

(*a*) is the operator or the commander of a public transport aircraft which is registered in the United Kingdom and has a maximum total weight authorised of more than 2300 kg.; or

(*b*) carries on the business of manufacturing, repairing or overhauling such an aircraft, or any part or equipment thereof; or

(**a**) 1949 c. 67. (**b**) 1971 c. 75. (**c**) 1889 c. 63. (**d**) S.I. 1974/1114 (1974 II, p. 4057).

(*c*) signs a Certificate of Maintenance, Release, or Compliance in respect of any such aircraft, part or equipment,

shall make a report to the Authority, in such form and within such time as may be prescribed, of any reportable occurrence relating to such an aircraft of which he knows and which is of such a description as may be prescribed.

(2) In this Article "reportable occurrence" in relation to an aircraft means—

(*a*) any incident (not being an accident notified to the Secretary of State in pursuance of regulations made under Section 10 of the Civil Aviation Act 1949), and

(*b*) any defect in or malfunctioning of the aircraft or any part of the aircraft or of its equipment,

being an incident, malfunctioning or defect endangering, or which if not corrected would have endangered, the aircraft, its occupants, or any other person.

(3) Nothing in this Article shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Authority in accordance with this Article.

(4) A person shall not make any report under this Article if he knows or has reason to believe that the report is false in any particular.

(5) Without prejudice to Article 35(2) and subject to the provisions of Article 59 of this Order, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this Article, preserve any data from a flight data recorder relevant to the reported occurrence until such time as the Authority authorises its destruction:

Provided that the record may be erased if the aircraft is outside the United Kingdom and it is not reasonably practicable to preserve the record until the aircraft reaches the United Kingdom.".

(2) In Part B of Schedule 13 to the Air Navigation Order 1974 there shall be inserted immediately following "Article 80", "Article 80A".

*N. E. Leigh.*

## EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order amends the Air Navigation Order 1974 by requiring a report of occurrences of such descriptions as may be prescribed by regulations to be made by the Secretary of State, being occurrences which endanger, or which unless corrected would have endangered, an aircraft. The requirement applies to public transport aircraft registered in the United Kingdom and having a maximum total weight authorised of more than 2300 kg.

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